

Remarks

This Amendment is filed in reply to the final Office Action mailed February 13, 2006. Claims 1-24 and 39-60 are pending in the application. Thus, claims 1, 3-24 and 39-60 are submitted for reconsideration at this time.

A. Rejections Under 35 U.S.C. § 102

Claims 1, 3-5, 7-14, 17-24 and 39 stand rejected under 35 U.S.C. §102(e) as being anticipated by Knight US Application Publication No. 2002/0099570.

In the February 13, 2006 final Office Action, the Examiner maintained the rejection of the previous Office Action. The Examiner states on page 15, paragraph 9 of the February 13, 2006 final Office Action that a Correction of Inventorship was filed in provisional application 60/227,484 that names Stephen C. Knight as inventor, and thus, the lack of inventorship overlap between provisional application 60/227,484 and the Knight publication has been overcome. However, a review of the public Patent Application Information Retrieval system does not show that a Correction of Inventorship has been filed in provisional application 60/227,484. Applicant kindly requests that the Examiner provide the date on which the Correction of Inventorship was filed.

In addition, the Examiner requested that the Applicant provide a clear statement regarding the subject matter that is disclosed in the Knight publication, but is not supported by provisional application 60/227,484, on which the Knight publication claims priority. The Applicant believes that claims 11-17 are clear on their face, but identifies herein the limitations in the claims that are not supported by the provisional application. The limitations are as follows:

1. providing the user with “an application” to submit for a clinical trial for which the patient has prequalified, as recited in claim 11;
2. filling out the application and submitting the application to the clinical trial site online to the server, as recited in claim 12 and 13;

3. forwarding the application with the patient profile, as recited in claim 14; and
4. allowing the user to search form medical information, as recited in claim 17.

In short, the provisional application fails to disclose anything directed toward the use of an application. In addition, the questionnaire disclosed by the provisional application is separate and distinct from an application. The present invention discloses patient profile information that is obtained using questionnaires and the use of an application to apply for a clinical trial. Accordingly, the Knight publication is not prior art for claims 11-17. Claims 40-60 recite limitation directed to an application, and thus, Knight is not prior art for the same reasons discussed with respect to claims 40-60.

B. Conclusion

In view of the above, it is respectfully submitted that the present invention is allowable over the references relied upon in the Office Action. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below. The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (25737.0002).

Respectfully submitted,

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By: 

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